

The specification of the present application discloses a relationship and connection between the claims of Group I and II. In particular, the claimed method of Group I and the claimed kit of Group II each require an anti-angiogenic agent and a photosensitive agent. Thus, the claims of Group I are related and connected to the claims of Groups II. Accordingly, the requirement for restriction with respect to Groups I and II is unwarranted under 35 U.S.C. §121 which, in order to authorize restriction, requires that the application claim "two or more independent and distinct inventions" [Emphasis added].

As a second ground for traversal, Applicant submits that the Examiner has failed to show that there would be a "serious burden" upon the Patent and Trademark Office to examine together the claims of Groups I and II. In this regard, MPEP §803, second paragraph, states:

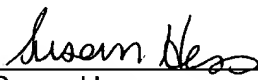
"There must be a serious burden on the examiner if restriction is required."

It is respectfully submitted that since the claims in Groups I and II both require an anti-angiogenic agent and a photosensitive agent, that a search and examination of Group II would substantially overlap with a search and examination of Group I and therefore would not impose a "serious burden" on the Examiner. In view of the above, withdrawal of the Restriction Requirement is respectfully requested. Applicant retains the right to petition from the Restriction Requirement under 37 C.F.R. §1.144.

Early and favorable action are respectfully requested.

Respectfully submitted,

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